

REMARKS

Applicant wishes to thank Examiner Goodwin for the brief telephone interview so courteously granted to the undersigned attorney on August 8, 2006.

STATEMENT OF SUBSTANCE OF INTERVIEW

The attorney attempted to discuss the Examiner's apparent failure to recognize important limitations which were added to claim 1 in the Amendment filed April 21, 2006. The Examiner suggested that Applicant's arguments be presented in a written response to the final Office Action. No agreement was reached, and Applicant presents below said arguments.

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Examiner Goodwin issues the following **final rejections**.

1. Claims 1-4, 7, 8 and 10 finally rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,418,086 to Terasawa [hereinafter Terasawa].
2. Claims 5 and 11 finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Terasawa.
3. Claim 6 finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Terasawa as applied to claims 1 and 5 above, and further in view of U.S. Patent 4,796,240 to Stevens [hereinafter Stevens].
4. Claim 9 finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Terasawa as applied to claims 1, 7 and 8 above, and further in view of U.S. Patent 6,219,304 to Mignot et al [hereinafter Mignot].

Applicant respectfully **traverses** each of these rejections.

These rejections appear to be substantially identical to the corresponding rejections presented in the first Office Action, with the exception that, in the penultimate line of the paragraph spanning pages 2 and 3 of the Office Action, the Examiner now alleges that Terasawa '086 teaches "said locking members of the cover (Fig. 3a#19 [sic 13?]) extend towards *a symmetry axis of said annular portion, substantially parallel to said plate* of the cover and catch on shoulders of said support".

Applicant respectfully submits that Examiner Goodwin apparently did not take into account the important amendments which were previously made to independent parent claim 1.

The amended claim 1 clearly states that:

a support fixedly mounted in the case houses said battery assembly and extends at least partially facing said opening,

locking members of the cover extend towards a symmetry axis of said annular portion, substantially parallel to said plate, and catch on shoulders of said support.

In paragraph 4 on page 2 of the Office Action, Examiner Goodwin mentions "a support fixedly mounted in the case extends partially facing said opening", but **omitting** the statement "houses said battery assembly". Moreover, in the "Response to Arguments", the Examiner asserts that "the limitation on which the Applicant relies (i.e., a support fixedly mounted in the case houses said battery assembly) is not stated in the claims".

Thus, Applicant respectfully submits that the Examiner did not consider the amendment previously made to the penultimate paragraph of claim 1.

In addition, Applicant respectfully disagrees with the Examiner's analysis of Terasawa regarding Applicant's claimed "at least two locking members".

Regarding claim 1, the Examiner refers first to fig. 4c#19 when mentioning the "locking members". The elements, which she refers to, are small protrusions equipping locking members and extending towards the interior portion of the lid in order to tighten it. These elements do **not extend** "towards the symmetry axis of the annular portion, substantially parallel to the plane", as required by Applicant's claim 1. The Examiner later refers to fig. 3a#19 when mentioning the "locking members". There is no reference 19 on fig. 3a. In case the Examiner means reference 13 on fig. 3a, Applicant agrees that these elements are "locking members". They do extend parallel to the plate, **BUT NOT** towards a symmetry axis of the annular portion.

Thus, since Terasawa does not disclose, either expressly or inherently, all of the limitations of claims 1-4, 7, 8 and 10, or in other words, since claims 1-4, 7, 8 and 10 are not readable on Terasawa's disclosure, Applicant respectfully submits that Terasawa is **incapable of anticipating** claim 1 and its dependent claims 2-4, 7, 8 and 10, whereby Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 102(e).

The Examiner bases her three rejections under 35 U.S.C. § 103(a) on the premise that "Terasawa teaches all of the claimed invention except..."; however, Applicant has shown above that Terasawa, in fact, does not disclose, or even suggest, all of the limitations of the independent parent claim 1.

Furthermore, the secondary references, Stevens and Mignot, do not make up for these deficiencies in Terasawa's disclosure. Thus, even if for some reason a person were to: (1) "use a

non-circular shaped watch case in Terasawa"; (2) include at least two batteries as allegedly disclosed by Stevens; and/or use the (3) the electro-acoustic transducer of Mignot, to modify Terasawa's disclosure, there would not be produced the subject matter of claim 1, or subject matter which would have rendered claim 1 or its dependent claims obvious.

Therefore, Applicant also respectfully requests the Examiner to reconsider and withdraw the three rejections under 35 U.S.C. § 103(a).

In summary, then, for the reasons presented above, Applicant respectfully submits that independent claim 1 and its dependent claims 2-11, are neither anticipated by, nor obvious over, Terasawa taken alone or in any combination with Stevens '240 and Mignot '304.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 102(e) and 103(a), and to find the application to be in condition for **allowance with all of claims 1-11.**

REQUEST FOR INTERVIEW

However, if for any reason the Examiner feels that the application is not now in condition for allowance, Examiner Goodwin is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees

AMENDMENT UNDER 37 C.F.R. § 1.116
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under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and
Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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